

REMARKS

Claims 2-4, 6-10, and 18-33 are pending. Claims 25-33 have been withdrawn from consideration. Claim 24 is currently amended. Reconsideration of the application is respectfully requested.

Substance of the Interview

Applicants thank Examiner Sergeant for the courtesies extended to the undersigned attorney during a telephonic interview on October 30, 2008. During the interview, Applicants discussed the present invention and the distinguishing elements of the claims in view of the cited reference to Moore et al. (U.S. Patent No. 6,649,272). The essence of that discussion is fully represented in the following remarks.

Rejection under 35 USC § 112

Claims 2-4, 6-10, and 18-24 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner did not find support for the species, "polyhydroxyalkylene".

Applicants have amended claim 24 by deleting the noted term. The claim now recites hydroxyalkylene and dihydroxyalkylene. Support for the amendment is found in original claim 5 and in preparations 2, 4, 5 and 8 (pages 19-21 of the specification). No new matter is added with the amendment. Withdrawal of the rejection under 35 USC § 112 is respectfully requested.

Rejection under 35 USC § 102

Claims 2-4, 6-10, and 18-24 were rejected under 35 USC § 102(e) as being anticipated by Moore et al. ("Moore") for the reasons set forth in paragraph 4 of the Final Action.

Applicants aver that the present invention is not anticipated by Moore. According to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (see MPEP 2131)(emphasis added).

The composition, as recited in amended claim 24, comprises a hydrolyzable perfluoropolyether urethane or urea silane, or a mixture thereof, having component (a) in combination with at least one non-fluorinated compound defined by the formula set forth in component (b), and optionally of at least one non-fluorinated compound of the formula set forth in component (c). The hydrolyzable perfluoropolyether urethane or urea silane, or a mixture thereof, is the reaction product of a specific fluorinated polyether compound of formula (I) that includes carboxyester or carboxamid groups and isocyanate reactive groups (T and T') and a specific silane compound of formula (II).

Support for the amendments to component (a) of claim 24 is found throughout the specification including p. 4, lines 10-17. The proviso limitation added to claim 24 clarifies the intended hydrolyzable perfluoropolyether urethane or urea silane.

The present invention provides novel coating compositions that provide improved water and oil repellency as well as stain and dirt resistance on substrates with excellent mechanical abrasion resistance and chemical stability. The chemical stability is particularly important with respect to alkaline products as demonstrated in Table 3 of the specification. Compounds of this invention have demonstrated superior base stability (see results after 16 hrs 3% NaOH) over the compounds of Moore (C1 in Table 3).

Moore is deficient for at least the reason that it does not disclose or teach the resulting hydrolyzable perfluoropolyether urethane or urea silane of amended claim 24 that possesses the isocyanate reactive groups and the carboxyester or carboxamid groups as represented by T and T'. Moore discloses a urethane composition (FES-2, see column 13, line 21-30). However, the reference does not suggest, disclose or claim a urethane with the isocyanate reactive groups T and T' of the present claim.

Since Moore fails to disclose the combination of a reaction product of a specific fluorinated polyether compound of formula (I) that includes isocyanate reactive groups (T and T') and a specific silane compound of formula (II), such reference would not anticipate amended claim 24 of the present invention.

The remaining claims 2-4, 6-10, 18-23 all depend, either directly or indirectly, from claim 24. Thus, each of these claims is patentable at least on the basis of this dependency from a patentable base claim.

The rejection of claims 2-4, 6-10, and 18-24 under 35 USC § 102(c) as being anticipated by Moore et al. ('272) has been overcome for the foregoing reasons. Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks, entry of the amendments under 37 C.F.R. § 1.116 is hereby requested. Favorable reconsideration of the present application and the passing of this case to issue with all claims allowed is courteously solicited. Should the Examiner wish to discuss any aspect of this application, applicants' attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

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